1	HOUSE BILL NO. 477
2	INTRODUCED BY T. BERRY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING UTILITY LAWS; REVISING LAWS
5	RELATED TO ENERGY USE DISCLOSURE, ~~DISCONNECTION NOTICES, AND UTILITY LIABILITY;~~
6	~~REQUIRING A UTILITY TO DISCLOSE ENERGY USE; ESTABLISHING NOTICE REQUIREMENTS FOR~~
7	~~UTILITY DISCONNECTION; MAKING A UTILITY LIABLE FOR DAMAGE OCCURRING AS A RESULT OF~~
8	~~FAILURE TO FOLLOW DISCONNECTION NOTICE REQUIREMENTS; PROHIBITING A UTILITY FROM~~
9	~~LIMITING LIABILITY FROM BREACH OF CONTRACT~~; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
10	~~AND AN APPLICABILITY DATE~~."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	
14	NEW SECTION. **Section 1. Utility disclosure required -- definition.** (1) Except as provided in
15	subsection ~~(4)~~ (3), a utility shall provide ~~the following information if requested:~~
16	~~(a)~~ the average annual energy use for a property~~; or~~.
17	~~(b) in accordance with subsection (3), a detailed monthly breakdown of energy use for a property.~~
18	(2) Average annual energy use must:
19	(a) be calculated using an average of the past 12 months of usage on a property and the rates currently
20	in effect;
21	(b) include the electricity, natural gas, or both used on the property based on meters used for measuring
22	or registering utility service; and
23	(c) be expressed in dollars.
24	~~(3) A detailed monthly breakdown of energy use is the same as a monthly bill.~~
25	~~(4)~~(3) A utility may not make public or otherwise disclose personal information protected by an individual
26	privacy interest or information of a personal nature that would constitute a clearly unwarranted invasion of
27	personal privacy.
28	~~(5)~~(4) As used in ~~[sections 1 through 3]~~ THIS SECTION, "utility" means any public utility regulated by the
29	commission pursuant to Title 69, chapter 3, ~~municipally owned utility, or cooperative utility~~ that provides electricity
30	or natural gas for sale to customers.

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2 ~~NEW SECTION. **Section 2. Utility disconnect -- notice.** A utility shall provide notification of~~

3 ~~disconnection or termination of electric or gas service in writing at least 5 days in advance to the person~~

4 ~~responsible for electric costs, natural gas costs, or both, as well as to a designated third party if the person~~

5 ~~provides an authorization for disclosure.~~

6

7 ~~NEW SECTION. **Section 3. Utility -- liability.** (1) If property is damaged because a utility fails to comply~~

8 ~~with the requirements of [section 2], the utility is liable to the owner of the property for the entire cost of repairing~~

9 ~~the property.~~

10 ~~(2) A utility is liable for damage caused by a break in service, including but not limited to a break in~~

11 ~~service caused by failure to comply with the requirements of [section 2], or for gross negligence, whether express~~

12 ~~or implied.~~

13

14 <u>NEW SECTION.</u> **Section 2. Codification instruction.** ~~[Sections 1 through 3] are~~ [SECTION 1] IS intended

15 to be codified as an integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to ~~[sections~~

16 ~~1 through 3]~~ [SECTION 1].

17

18 ~~NEW SECTION. **Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are severable~~

19 ~~from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part~~

20 ~~remains in effect in all valid applications that are severable from the invalid applications.~~

21

22 ~~NEW SECTION. **Section 6. Saving clause.** [This act] does not affect rights and duties that matured,~~

23 ~~penalties that were incurred, or proceedings that were begun before [the effective date of this act].~~

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25 <u>NEW SECTION.</u> **Section 3. Effective date.** [This act] is effective on passage and approval.

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27 ~~NEW SECTION. **Section 8. Applicability.** [This act] applies to:~~

28 ~~(1) disconnections on or after [the effective date of this act]; and~~

29 ~~(2) damage to a property that occurs on or after [the effective date of this act].~~

30   - END -